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09/704,755	11/03/2000	Hideaki Furukawa	35.C10563 REI	4371

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EXAMINER	
PAN, DANIEL H	
ART UNIT	**PAPER NUMBER**
2183	

DATE MAILED: 06/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/704,755	FURUKAWA, HIDEAKI	
	Examiner	Art Unit	
	Daniel Pan	2183	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 February 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-86 and 138-153* is/are pending in the application.

4a) Of the above claim(s) *87-137* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-86 and 138-153* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *03 November 2000* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☒ Certified copies of the priority documents have been received in Application No. 08/413,432.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

1. Claims 1-86, 138-153 are presented for examination. Clams 87-137 have been canceled.

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 17, 53 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The reasons are given blow.

3. As to claims 17, 53, no physical transformation can be found in the claim. Furthermore, no substantial practical application can be found in the claim. Although the claim recites the request for the transfer of the control program for controlling the peripheral processing apparatus, no details of the peripheral processing apparatus can be found in the claim. Although claim recites the building of the control program (see lines 9-11) and the generating of the control data in the operating system (lines 12-14), no details of the control program, nor the data can be found in the claim. Therefore, the information apparatus requesting the transfer of the control program could be a program construct itself with no useful, tangible, and concrete results. The focus is not one the features of steps taken to achieved a final result which is useful, tangible, and concrete, but rather the final result achieved is useful, tangible, and concrete (see Interim 101 Guidelines page 20 publishes at www.uspto.gov). It is not useful because no substantial practical application can be found in the claim. It is not tangible because

it present no detail structure of the output control apparatus and is directed to an abstract algorithm. It is not concrete because the control program built in the operating system is unpredictable, and therefore the transmission of the control data.

4. The dependent clam 18 , for example, is not rejected under "101" because it recite the printer drive executed by the information apparatus. Claim 138, 146 are not being rejected under "101" because it has the control step for controlling the transmission upon the determination of the count value and the initialization of the trouble count value upon the determination of the count value and the repeatedly performed operations of the transmission and initialization. However, examiner would like to suggest change "operable" to a more defined term, such as "operated" in claim 146.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-5, 35-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gase (5,580,177) in view of Klotzbach et al. (5,410,754) .

6. As to claims 1, 2, 35, 36, Gase taught a peripheral processing apparatus (see fig.1 [16][18][20][22]) connected to an information processing apparatus (see fig.1 [10][12][14] through a network, comprising:

a) storage means storing [34] a control program which the information processing apparatus uses to control said peripheral processing apparatus (see the printer drives, printer utilities in fig.1 [36],[38], see col.4, lines 1-26) ;

b) reception means [40] for receiving a transfer request from the information processing apparatus requesting that the control program stored in said storage means [34] be transferred to the information processing apparatus (see the client processors) through the network (see request received by the print queue manage 40 in col.4, lines 3-9);

c) means for connecting to the information processing apparatus through the network on the basis of the transfer request received by said reception means (see the connection thought the network in col.6, lines 18-20); and

d) transfer means for transferring the control program (see the printer drives, utilities) stored in said storage means [34] through the network to the information processing apparatus (see client) in response to the transfer request received by said reception means (see request received by the print queue manage 40 in col.4, lines 3-9), so as to allow the information processing apparatus to use the control program to generate control data (see the queries) for controlling the peripheral processing apparatus, which control data is subsequently to be transferred to said peripheral processing apparatus through the network (see how the client processor requested the updated printer drives and utilities and loaded into the client processor in col.4, lines 20-34,

col.6, lines 3-48, see col.6, lines 12-15 for transferring the control program into the information apparatus, the client processor) .

7. Gase did not specifically show the securing of a channel as claimed. However, Klotzbach taught a system for securing a channel on request (col.6, lines 56-68). It would have been obvious to one of ordinary skill in the art to use Klotzbach in Gase for including the secure channel as claimed because the use of Klotzbach could provide Gase the ability to obtain the network connection based on a predetermined requirement of the data transmission, such as a secure link , or channel, and it could be achieved by reconfiguring the control parameters for securing a channel in Klotzbach into Gase so the specific requirements of Klotzbach for securing a channel could be recognized by Gase, and because Gase also taught that his system could automatically make connection with his default peripheral device (see the automatic connection to the printer in col.3, lines 10-15), which was a suggestion of the need for securing a channel in order to connect to a specific peripheral device in a predefined default condition, for the above reasons , provided a motivation.

8. As to claim 3, see reset condition of printer in col.5, lines 52-55.

9. As to claims 4, 40, see detected status in col.5, lines 32-57.

10. As to claims 5,41, see how server 16 received the uploaded drives in col.4, lines 27-37, and the queries in col.6, lines 3-44.

11. As to claims 37,38, Examiner holds that printer for printing image and copy machine were already known in the art .

12.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

13. Claims 6-12,16-29, 31,34, 42-48, 52-66,70-73,77-81, 85,86 are rejected under 35 U.S.C. 102(e) as being anticipated by Gase (5,580,177) .

14. As to claims 6, 7,42,43, Gase taught at least :

a) storage means (34) storing a control program (see fig.1 [34]);

b) reception means for receiving a transfer request from the information processing apparatus requesting that the control program stored in said storage means [34] be transferred to the information processing apparatus (client processor) through the network (see request received by the print queue manage 40 in col.4, lines 3-9, see the fig.1 for the network);

c) transfer means for transferring the control program stored (see the printer drives and utilities) the storage means [34] through the network to the information processing apparatus in response to the transfer request (see request) received by the reception means (see printer queue 40 for receiving request), so as to allow the

information processing apparatus to use the control program to generate control data (see the queries) for controlling said peripheral processing apparatus, which control data is subsequently to be transferred to the peripheral processing apparatus through the network (see how the client processor requested the updated printer drives and utilities and loaded into the client processor in col.4, lines 20-34, col.6, lines 3-48, see col.6, lines 12-15 for transferring the control program into the information apparatus, the client processor);

d) unique information storage means [36][38] for storing information unique t o the peripheral processing apparatus (see the respective printer drive and utility programs in fig.1) ; and

e) control means for controlling said transfer means to transfer (see the loading of the programs) the unique information stored in said unique information storage means [36][38] through the network to the information processing apparatus in response to said reception means receiving a transfer request from the information processing apparatus requesting that the unique information be transferred to the information processing apparatus (see how the client processor requested the updated printer drives and utilities and loaded into the client processor in col.4, lines 20-34, col.6, lines 3-48, see col.6, lines 12-15 for transferring the control program into the information apparatus, the client processor).

15. As to claims 8,9, 44,45, 55,56, Examiner holds that printer for printing image and copy machine were already known in the art .

16. As to claim 10,11,46,47, 57, 58, see initialization condition and other status conditions of the printer in col.5, lines 32-57).

17. As to claims 12, 48, since no specific location of the printer is being recited in the claim, examiner holds that a printer location in general had to be known for selection purpose.

18. As to claims 16, 52, see the paper jam in col.5, lines 54-57.

19. As to claims 17, 19, 20, 53, 54, Gase taught :

a) request means (see client processor) for requesting the peripheral processing apparatus to transfer a control program for controlling the peripheral processing apparatus to said information processing apparatus through the network (see fig.1) ;

b) reception means for receiving the control program (see the downloaded printer drives and utilities in col.6, lines 10-15) transferred from the peripheral processing apparatus (see fig.1 16 and [18 20 22 as the functional parts]) through the network in response to a request provided by said request means;

c) building means [14][28] for placing the control program received by said reception means under the control of an operating system and building the received control program in the operating system (see how the utilities run under Windows and DOS in col.6, lines 53-67, col.7, lines 1-14) and

d) generation and transfer means [28][[24][26] for generating control data for controlling the peripheral processing apparatus using the control program built in the

operating system by said building means and transferring the control data through the network to the peripheral processing apparatus (see col.4, lines 27-36, col.5, lines 58-67, col.6, lines 53-67, col.7, lines 1-14).

20. As to claim 18, see the drives and utilities in 14 in fig.1.

21. As to claim 21, see the determination of the updated drives and utilities in col.6, lines 3-44.

22. As to claims 22, 23, 27, 59, 71, 72,73, 78, 79, Gase taught at least :

a) request means (see client processor) for requesting the peripheral processing apparatus (see fig.1 16, and the printers) to transfer a control program for controlling the peripheral processing apparatus to said information processing apparatus through a network;

a) reception means (see client processor and its storage in fig.1) for receiving the control program transferred from the peripheral processing apparatus through the network in response to a request provided by said request means (see request and loading of the program in col.4, lines 3-37, col.6, lines 3-48);

b) storage means (see the storage of client processor) for storing the control program received by said reception means; and generation and transfer means for generating control data for controlling the peripheral processing apparatus using the control program stored in said storage means and transferring the control data (see the queries) through the network to the peripheral processing apparatus (see col.6, lines 3-15, see also col.4, lines 50-54 for the reinstalled drives); wherein the apparatus is connected to a plurality of the peripheral processing apparatuses (see each see each

[16][18] and [16][20] , [16][22]) through the network, wherein the request means (client processor) requests each of the plurality of peripheral processing apparatuses to transfer information unique to the peripheral processing apparatus (see respective drives and utilities) to the information processing apparatus through the network (see how drives and utilities loaded into client processor in col.6, lines 10-15) , and wherein said reception means (see storage in the client processor) receives the unique information transferred from each of the plurality of peripheral processing apparatuses through the network in response to a request provided by said request means, and the information processing apparatus further comprising:

a) second storage means for storing the unique information received by said reception means (see one of the storage 24 and 26 in fig.1); and

b) selection means (see administrative utility 28) for selecting one of the plurality of peripheral apparatuses based on the unique information stored in said second storage means (see how 28 select the drives in col.27-38) , wherein said generation and transfer means (see client processor) generates control data for controlling the one peripheral processing apparatus selected by said selection means [28] based on the control program stored in said storage means [24][26] and transfers the control data through the network to the selected one peripheral processing apparatus (see the uploaded drives in col.4, lines 27-34 by administrative utility 28).

23. As to claims 24-26,61,62, Examiner holds that printer for printing image and copy machine were already known in the art .

24. As to claims 27,28, 29, 63, 64, 65, see initialization condition and other status conditions of the printer in col.5, lines 32-57, see jam or stopped conditions for unable to execute the processing).

25. As to claims 31, 66, 81, since no specific location of the printer is being recited in the claim, examiner holds that a printer location in general had to be known for selection purpose.

26. As to claims 34, 70, 77,85, see the paper jam in col.5, lines 54-57.

27. AS to claim 80, 86, see the selections as the priorities in col.6, lines 18-52, see also the status of the hierarchy in col.5, lines 20-31).

Claims 13-15, 30,32,33, 49-51, 67-69 , 74-76, 82-84 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gase (5,580,177) in view of Dennis (5,337,258) .

28. As to claim 13-15,30,32,33,49-51,67-69, 74-76, 82-84, Gase did not specifically show the running cost, the power consumption of his peripheral system as clamed. However, Dennis taught a peripheral system for determining the running cost,

the power consumption and the trouble rate of a peripheral system (see col.37, lines 6-27) . It would have been obvious to one of ordinary skill in the art to use Dennis in Gase for including the running cost, the power consumption of the peripheral system as clamed because the use of Dennis could provide Gase the capability to estimate the operating and maintenance conditions of the peripheral system in Gase, and because Gase also taught the analysis of the status conditions of the printers, such as not connected, resetting, offline, by user (see col.5, lines 33-57), which was a suggestion of the desirability for determining the running cost and power consumptions of the peripheral device in order to monitor and maintain the printer in working order, in doing so, provided a motivation.

29. Claims 138-153 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakahara et al. (5,172,244) in view of Sakata (4,905,098).

30. As to claims 138,141, 142, 144, 145, 146, 149, 150,152, Nakahara disclosed at least :

a) a print update means for updating for each process a print count value indicating number of print (see fig.8B S20 SET NUMBER, see col.6, lines 9-39);

b) a trouble update means for updating for each print trouble (trouble indication in col.3, lines 55-64);

c) transmission means (see fig.8B [s32,s31] for transmitting trouble data (e.g. print mode such as plotter number ps, number of copies) until the print count reaches a predetermined value (s25) to a predetermined one of at least higher class apparatus [px] (see fig.8A s10 for higher apparatus in order px+1, see the transmission of mode data into the selected plotter ps in fig.8B, see col.6, lines 40-66, col.7,m lines 1-27);

d) reception means for receiving trouble data (see the flag indicating jam in col.6, lines 55-66);

e) displaying control means for comparison between the print count (see col.3, lines 55-64).

31. Nakahara did not specifically show his trouble data (see col.3, lines 60-65) included a number of troubles as claimed. Nakahara showed the pint count and updated count (see the set number and count number in col.3, lines 56-64, col.6, lines 9-39). However, Sakata disclosed a system including a trouble count (see the jam counter in col.11, lines 18-34). It would have been obvious to one of ordinary skill in the art to use Sakata in Nakahara for including the number of troubles as claimed because the use of Sakata could provide Nakahara the ability to process the number of prints based on an additional condition in order to track the number of prints with the number of the troubled copies, such as the jammed paper, thereby increasing the processing adaptability of Nakahara , and it could be readily achieved by predefining the jam counter of Sakata with modified counter parameter (e.g. the counter port) into

Nakahara so the jam counter could be recognized by Nakahara to achieve the enhanced adaptability.

32. As to claims 139, 143, 147, Nakahara also initialized his print count (see fig.8B).

33. As to claim 148, Nakahara also included unique information (see the plotter number ps).

34. As to claims 151, 153, Nakahara also included a selecting means for selecting one of the apparatuses (see the automatic selection of idle plotter in col.6, lines 50-68, col.7, lines 1-21).

35. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a) Smith et al. (5,253,152) is cited for the teaching of the securing the channel in a peripheral network (col.5, lines 38-55).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dan Pan whose telephone number is 703 305 9696, or the new number 571 272 4172. The examiner can normally be reached on M-F from 8:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chan, can be reached on 703 305 9712, or the new number 571 272 4162. The fax phone number for the organization where this application or proceeding is assigned is 703 306 5404.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

21 Century Strategic Plan

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